

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Faria Tasnim	Team: Squad #5	CCRB Case #: 201903853	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tuesday, 04/30/2019 1:30 AM	Location of Incident: § 87(2)(b) [REDACTED]	Precinct: 62	18 Mo. SOL 10/30/2020	EO SOL 6/16/2021	
Date/Time CV Reported Sat, 05/04/2019 11:55 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Sat, 05/04/2019 11:55 PM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]

Witness(es)	Home Address
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. POM Giuseppe Oliveri	28888	939146	062 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Donglun Liu	03241	961897	062 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Giuseppe Oliveri	Abuse: Police Officer Giuseppe Oliveri threatened to arrest § 87(2)(b) [REDACTED]	[REDACTED]
B.POM Giuseppe Oliveri	Abuse: Police Officer Giuseppe Oliveri threatened to remove § 87(2)(b) [REDACTED] to the hospital.	[REDACTED]

Case Summary

On May 4, 2019, § 87(2)(b) filed this complaint on the CCRB's website.

On April 30, 2019, at approximately 1:30 a.m., Police Officer Giuseppe Oliveri and Police Officer Dong Lun Liu, both from the 62nd Precinct, arrived at § 87(2)(b) in Brooklyn, in response to a 911 call from § 87(2)(b)'s parents. § 87(2)(b) was § 87(2)(b) old at the time of the incident. PO Oliveri threatened to arrest § 87(2)(b) during the interaction (**Allegation A**). PO Oliveri also threatened to remove § 87(2)(b) to the hospital (**Allegation B**).

The investigation obtained audio recordings of the incident from § 87(2)(b)'s cellphone (BR01-BR03). The NYPD confirmed that BWC footage from the incident existed, but would not provide the footage without a waiver signed by one of § 87(2)(b)'s parents. § 87(2)(b)'s parents refused to sign a waiver, and the CCRB ultimately could not obtain the BWC footage.

On August 5, 2019, this case was reassigned from Inv. Dixon to Inv. Tasnim.

On June 5, 2019, Inv. Dixon sent this case to the Mediation Unit. The case was returned to Inv. Dixon on June 19, 2019, after § 87(2)(b) opted for an investigation.

Findings and Recommendations

Allegation (A) Abuse of Authority: Police Officer Giuseppe Oliveri threatened to arrest

§ 87(2)(b)

In his online complaint, § 87(2)(b) noted 21 statements that PO Oliveri made which he understood to be threats of arrest, including, "You're going to go," and, "You're going to walk out" (BR04). In his interview, § 87(2)(b) stated that he believed that PO Oliveri asking him whether he had anywhere to go, and telling him that he would be leaving his house and not returning, constituted threats of arrest (BR05). § 87(2)(b) recounted that PO Oliveri similarly asked his parents whether § 87(2)(b) had anywhere to go and whether they wanted him to leave.

In § 87(2)(b)'s cellphone recordings, PO Oliveri can be heard informing § 87(2)(b) that he would have to leave his house. In the first recording, at the 1:47 minute mark, PO Oliveri says, "And next time you call, there's no more talking, § 87(2)(b) will come with us. Then he'll get detained and locked up" (BR01). At the 6:30 mark, § 87(2)(b) asks the officers whether he is being detained, and PO Oliveri replies, "You will be if you don't listen to us." PO Oliveri repeats this statement at the 6:54 mark.

PO Oliveri was interviewed approximately seven months after the incident. In his initial narrative, he first stated that he had no recollection of the incident, but later made statements regarding what took place during the incident (BR06). PO Oliveri could not recall whether he told § 87(2)(b) to leave his house, or whether he told him he would be detained. PO Oliveri denied that arrest was mentioned in any context during the conversation. PO Oliveri testified that

§ 87(2)(b) did not commit any arrestable offense during the incident. Upon listening to a portion of the audio recording in which he can be heard saying that § 87(2)(b) would be detained, PO Oliveri reiterated that he did not suspect § 87(2)(b) of committing any crime during the incident. He noted that § 87(2)(b) would have been required to leave the house if his parents had requested it.

PO Liu similarly testified that § 87(2)(b) was not suspected of any crime or violation (BR07). PO Liu also noted that typically, in domestic disputes, when officers ask a party whether they have anywhere else to go, they are referring to a friend's house or elsewhere that would give both parties space to resolve the issue.

§ 87(2)(b), § 87(2)(g)
[REDACTED]

NY Criminal Procedure Law § 140.10 states that a police officer may arrest a person for: (a) Any offense when he or she has reasonable cause to believe that such person has committed such offense in his or her presence; and (b) A crime when he or she has reasonable cause to believe that such person has committed such crime, whether in his or her presence or otherwise (BR08).

PO Oliveri himself admitted that he never suspected § 87(2)(b) of committing any arrestable offense. § 87(2)(b), § 87(2)(g)

[REDACTED]

§ 87(2)(b), § 87(2)(g)
[REDACTED]

Allegation (B) Abuse of Authority: Police Officer Giuseppe Oliveri threatened to remove § 87(2)(b) § 87(2)(b) to the hospital.

It is undisputed that § 87(2)(b) and his parents had a verbal argument prior to his parents calling 911. It is also undisputed that PO Oliveri told § 87(2)(b)'s parents while in the presence of § 87(2)(b) "If you call us again, then we'll take him to the hospital" (BR03).

PO Oliveri stated in his testimony that § 87(2)(b)'s behavior did not indicate that he was emotionally disturbed, needed psychiatric help, or was a threat to himself or his parents. PO Oliveri admitted that § 87(2)(b) did not do anything for which he could have been taken to

the hospital. PO Oliveri explained that, while § 87(2)(b) s behavior did not fit the definition of an emotionally disturbed person or someone who needed psychiatric help, PO Oliveri was concerned by the fact that § 87(2)(b) was causing his parents to stay up at night.

PO Liu stated that § 87(2)(b) was emotionally disturbed and needed psychiatric help because he was not sleeping at a late hour, and he was arguing with his parents and preventing them from sleeping. The Domestic Incident Report prepared by PO Liu indicates that § 87(2)(b) was not a threat to anyone, and that no one was injured during the incident (BR09).

NYPD Patrol Guide Procedure 221-13 states that an officer may forcibly remove an emotionally disturbed person (EDP) to a hospital only when the individual “appears to be mentally ill or temporarily deranged and is conducting himself in a manner which a police officer reasonably believes is likely to result in serious injury to himself or others” (BR10).

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first complaint to which § 87(2)(b) has been a party (BR11).
- PO Oliveri has been a member of service for 14 years and has been a subject in five CCRB complaints and eight allegations, none of which was substantiated. § 87(2)(g)

Mediation, Civil and Criminal Histories

- § 87(2)(b) declined to mediate this complaint.
- As of December 27, 2019, the New York City Office of the Comptroller had no record of a Notice of Claim being filed in regard to this complaint (BR12).
- § 87(2)(b)

Squad No.: _____

Investigator: _____
Signature Print Title & Name Date

Squad Leader: _____
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date